

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

May 24, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on May 17, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending May 23, 2012 in the amount of **\$ 294,289.39** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of May 17 – May 23, 2012
- Report from the Building Inspector's Office from May 15 – May 22, 2012
- Statement of cash receipts from the Library from May 1 – May 8, 2012
- Report of Public Hearing held by the Zoning Board of Appeals on May 21, 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Calnon

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 2,386,142.38 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

Councilor Calnon said I just wanted to let folks know that the reason it is so high is we had bot the property taxes that the City collects on behalf of the County were almost \$1.5 million out of that and our power payment was about \$500,000 so about \$1.9 million of this is special items.

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves that Contract #2011-12 "Instrumentation-Water Pollution Control Plant" with Total Control System Services be extended for one year until June 27, 2013 for the total cost of \$45,000.

By Councilor Jackson; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Dave Powell Chief Plant Operator WPCP to advertise for bids for Contract #2012-12 "Electrical Services WPCP." Bid opening date: June 8, 2012 at 11:00 am.

By Councilor Jackson; Seconded by Councilor Carpenter
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves that Contract #2012-09 "Painted Pavement Markings" be awarded to Accent Stripe Inc. for the total price

of \$108,300.

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves Roto-Rooter Plumbing & Drain Service to close Sanborn Avenue on Monday, May 28, 2012 to install a new sewer line through the road located at 9 Sanborn Ave. Rain date: Tuesday, May 29, 2012.

By Councilor Rabideau; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. Amendment to Regular Order of Business for Common Council

RESOLVED: That the Regular Order of Business for the Common Council adopted January 5, 2012 is hereby amended to delete item 11: "Closing Public Comments," effective immediately.

By Councilor Case; Seconded by Councilor Jackson

Discussion:

Councilor Calnon said at some point in this discussion I'm going to make a recommendation that we table. But once we do that we have to actually vote on the table motion so I'm going to hold until everybody has a chance to discuss this. First of all, as I was thinking about why we have public comment period in any manner on of the things I thought about was that people come to us because they have issues that they think we should consider. They come to us because they have view points on issues that are before us. They come to us to make us aware of things that might normally be administrative issues but that we might eventually have to deal with. There's also some value to having announcements of things of general interest. Kind of using our podium as a way to promote some activity that's going on or some accomplishment that needs to be recognized. I questioned a couple of years ago why we had 2 of them and one of the things folks said to me at that time was we established those at our organizational meeting let's consider it the next time we have an organizational meeting and if we're going to get rid of it get rid of it then. For that reason when we're all done I plan to offer a motion to table this until our organizational meeting. But what I'm really concerned about is what's happened here in the last couple of weeks. Where the bully pulpit that's made available for people to make announcements of general interest has been used to make baseless, unsubstantiated, accusations, false statements, statements taken out of context, statements that may have existed for a 2 or 3 day period as gospel, going to cost us the college, just a whole host

of unexplained and unsubstantiated comments. We've all reacted to it. We've all thought that was particularly bad. I am not a fan of the second comment period because why do we need two bites at the same apple. The reasons that I talked about can certainly be accomplished in one that's my preference. But, I also think that one of the things we need to consider is that if people are abusing our bully pulpit in speaking about things that are not correct. Then we need to stop the individuals from doing that we don't necessarily need to change the process. I for one don't think we need the second one. But I think we organized with it this year I would be willing to leave it there until we reorganize in January and have another look at it. But I do think we need to be sure that we manage it and make sure that misstatements are not allowed to stand.

Councilor Carpenter said I believe with Jim. It is a bit redundant, but, at the same time we've had it and it's worked. I've heard some pretty valuable comments mentioned over the last 4 years that I've been here in that second period. And in truth the problems that we might be trying to avoid are just going to crop up at the first one. Those people that want to talk and lie when they have their chance. So cutting the public comment sections in half so there's only one is not necessarily going to stop that lying. Like you Jim, I prefer that we find another way to stop it. I'm not unhappy with one public comment section, I'm not unhappy with two. It doesn't bother me that we have two. I would prefer that we wait until an organizational meeting to make those kind of changes.

Councilor Jackson said I wanted to agree with Jim especially on the point that I know that we have always made an effort and its public comment it's not our time to engage in conversation but when somebody says something that we know to be false it's got to be stopped. Let's wait till the organizational meeting. I don't care either way. But when somebody throws an accusation or a false statement out on the table and it's the last item in our agenda before adjourning it sits there for a week. Also, because we don't respond to it and it goes out on public access that week that it sits out there until we can respond to it. Its elderly people scared. That's the thing that bothers me about it. I think one public comment section in the meeting is enough. I don't know of any political governing body that has more than one. I know the County doesn't have more than one. The thing is if somebody has a false statement if we can't stop it at least we can address it later on under new business. It's just frustrating when someone comes and says inaccurate things and it scares people and it's just not right. The Mayor is the one who would end up engaging the people and it's not fair to him because we are all being addressed. So when this comes up for a vote I will probably vote in favor of getting rid of the second public comment section but I don't care when we do it.

Councilor Carpenter said one more thought if anything I would like it to change to the rules so that those people who do make comments that we do not believe or sound extremely misleading or outright lies that we could request they site the source that it comes from so that we have ability and the public has the ability to determine whether its fact or fiction.

Councilor Calnon said that would work for some things. But there are some things that have come up whether they were spoken or emailed I don't remember all from the same individual that were just a misunderstanding of facts. The specific one was when the Mayor congratulated the Fire Chief at the time for keeping overtime at the fire department down that particular budget year. And the next item that was discussed was the fact that overall our entire budget we were going to carry over \$900,000 in our fund balance. And this person misinterpreted that to be that we were carrying over

\$900,000 of fire department money. So the source is us and the facts are there they are just totally misinterpreted. It would be really difficult to get to a point where you say site your source. However, there are other instances like; this was on a list. Where's the list? A donation was made. By whom? Some specifics, or when? I agree with you at that point. But it's going to be difficult for us to create a general rule because you can't fix stupid.

Councilor Tiffer said I don't think we should punish the rest of the public because of an individual. I like how Jim Calnon said if an individual has a history of making accusations trying to stir some kind of controversy then we should address that individual. We should do something to prevent that individual from disrupting the discourse of this meeting. I think that's how we should address it and I don't think we should be doing this now. I also agree with Jim Calnon it's something that we need to do at the end of the year for next year.

Councilor Carpenter said John is there something we can do to stop it?

Corporation John Clute said stop what?

Councilor Carpenter said an individual continuing with the lies.

Corporation John Clute said no. I think you just listen to it and form your own judgment about whether it's credible or not outrageous you just say so.

Mayor Kasprzak said the fact is we are one of the most open governments in our history. I firmly believe that. We don't hide things, we call for audits for our city and people don't do that. We have a follow up audit in February and March. Which by the way the comptroller's office firmly believes we pay our bills and follow the proper process legally, which has been a bone of contention with someone. But when the question of open government and the integrity of this body for not communicating openly, not listening, not being accessible, I have a problem with that. And I have a problem with some of the problems you brought up about scaring our seniors or questioning third world water quality. Which is an absolute insult to everybody in this community and especially the people that work up at our Water Filtration Plant for years, that in these reports, which you all have, we comply head and shoulders above what we should. And if we didn't the Clinton County Health Department would be addressing it as well which they totally agree that we are in compliance. Those are the things that draw my ire and I don't think that there is any good fix with this. What John said I've learned and I've accepted. All your concerns about people questioning us or stating falsehoods or lying about us that is difficult to accept. But there comes a point in time when people cross the line and recently people have crossed the line. And that is why we are having this discussion and I am not opposed to whatever you all decide. But I will say this. Some of the things that people say if we were going to reduce this is we're hiding things or we're not as transparent. That's absolute nonsense. This administration with all of you has been very transparent. So as far as I'm concerned is those are not truths at all. Those are excuses by people because they don't like me or you folks. There has not been a better group of people to keep things open and honest. I just want you all to know whatever you decide is fine and if we want to revisit it in our organizational meeting in January; I think that is a good thing too. I was never supportive of a closing comment period. I think it's redundant. George made a comment to me about at least if someone is going to stand up there and blatantly lie we

should have a vehicle somehow where we should be able to refute them, or comment, or ask the questions. Whereas right now the way it's set up I ask for an adjournment and we leave. Then we worry about our people we represent that are listening to Ducky, or get an article from Joe, or the access channel. I think we revisit it. I think you are all making a prudent decision and anybody who thinks that we were trying to hide something or we're not transparent is just wrong.

Councilor Calnon made a motion to table indefinitely; Seconded by Councilor Tiffer.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Tabled

Follow up Action: None

F. Motion to waive rule 4 for initial consideration “that Contract # 2012-04 “Beekman Street Waterline and Roadway Improvements” be awarded to Northern Snow & Dirt for the total bid price of \$337,500.”

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

RESOLVED: In accordance with the request therefore the Common Council approves that Contract # 2012-04 “Beekman Street Waterline and Roadway Improvements” be awarded to Northern Snow & Dirt for the total bid price of \$337,500.

By Councilor Tiffer; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

- 1.** Request from Superintendent of Recreation Steve Peters, Stephanie Desautels, and Jen Boyer for the City of Plattsburgh to host the Plattsburgh Half Marathon on Sunday April 21, 2013 at 8 am.

Councilor Calnon said during the break I checked to see in response to a concern in the work session I show that Easter in 2013 is March 31st.

2. Request from Kevin Farrington City Engineer that Contract # 2012-08 “One Utility Tractor Loader” be awarded to Arrowhead Equipment Inc. for a total cost of \$98,855.
3. Request from the Strawhatter’s Concert Band to perform a free concert on Wednesday, July 18th at Trinity Park and Wednesday, August 1st at South Acres Park.
4. Request from Brian Micheels to host a Coed Beach Soccer Tournament at the Plattsburgh City Beach on August 4, 2012 (rain date August 5). All proceeds will benefit the Plattsburgh State Women’s Soccer Team.
5. Request from The Champlain Wine Company located at 8 City Hall Place to use one parking space in front of their establishment for outdoor dining seating. The owners will contact Concrete Supply or similar and are prepared to purchase concrete barriers. The City is asked to permit the licensee to use concrete barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 31, 2012 – September 30, 2012.
6. Request from Kevin Farrington City Engineer that Contract # 2012-04 “Beekman Street Waterline and Roadway Improvements” be awarded to Northern Snow & Dirt for the total bid price of \$337,500. **(Move to agenda under “Other Items” Letter F)**
7. Request from Kevin Farrington City Engineer to advertise for bids for Contract #2012-13 “Tractor w/Options for Water Filtration Plant.”
8. Request from the Rand Hill Ridge Runners Motorcycle Club to hold the Krusty Snail Benefit and Bike Run at the Plattsburgh City Beach on June 30, 2012 in memory of Terry Trudeau. All proceeds will go to the JCEO Food Pantry.

10. NEW BUSINESS:

Councilor Jackson said we had the opening ceremonies for the Saranac River Trail which was a very nice event. If you get a chance definitely go enjoy the trail because it is very nice. Secondly, the City parking lot looks great. I think that’s an asset that needed some TLC and I’m very happy that it’s completed and it was done quickly and very happy to see it’s done. Lastly, there is a brief MLD Board meeting immediately following this meeting.

Councilor Carpenter said I have a goofy question for you Chris. In fact I walked on the Saranac River Trail today it was beautiful. I like it a lot. I walk on it a lot. As you’re coming from Steltzer and heading up in to the college and you get down the hill there is a little cement pad on the left with two weird shape railings.

Councilor Jackson said it’s a bike rack.

Councilor Tiffer said two things. First, I went to an LDC meeting and they gave us an update on the interactive kiosks it's really gaining some momentum they've ordered some displays and it looks like by the end of summer they will be installed. Second one, through the request of Steve Peters, I talked to Richard Marks and John Clute about the change in mandates for purchasing. John had revised it two years ago. After discussing it with him there is more revisions that need to be done. So I am requesting that John Clute and Richard Marks come up with a revised procurement and purchasing procedure and bring it to the Council so that we vote on it and update it.

Mayor Kasprzak said we will go through you and they will work with you and you can bring it to us. Is that all right?

Councilor Tiffer said sure no problem.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 5:56 pm